

REMARKS

Claims 1-51 are pending. Applicants note with appreciation the indication of allowable subject matter in claims 1-8, 18-33 and 41-48. Applicants further note the indication of allowable subject matter, dependent on overcoming certain objections as to form, for claims 15-17 and 40.

The Examiner has rejected under 35 U.S.C. § 112 second paragraph independent claims 9, 11, 34, 36 and 49 and the claims that depend from them. Claims 9, 11, 34, 36 and 49 are amended herein.

Interview

Applicants appreciate the Examiner's comments during interviews on about November 9 and 10, 2004. At that time, Applicants submitted a courtesy copy of new counsel's power of attorney, but that document had not been officially entered. Discussion with the Examiner was accordingly limited. Applicants' new counsel submitted a draft amendment, but the Examiner declined to discuss the draft amendment, due to the status of counsel's power of attorney and the Examiner's deadlines. During the interviews, the Examiner mentioned Levin et al., U.S. Pat. No. 6,625,777 B1, which does not make use of net coding gain in the determination of parameter sets. It was agreed that the Examiner would complete preparation of a rejection under § 112 and Applicants would amend in due course. A copy of the e-mail communications between the Examiner and the Applicants in this regard accompanies this document.

Claim Objections

The independent claims 9, 11, 34, 36 and 49 and dependent claim 40 have been amended as directed by the Examiner to overcome the objections.

Claim Rejections Under 35 U.S.C. § 112 Second Paragraph

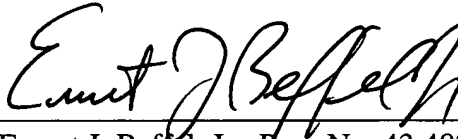
The rejected independent claims have been amended to increase their clarity. Applicants believe that the claims are no narrower and may even be broader in some respects now than before they were amended. The amended claims should overcome the Examiner's rejection for indefiniteness, without significantly increasing their scope.

CONCLUSION

Applicants respectfully submit that the pending claims are now in condition for allowance and thereby solicit acceptance of the claims, in light of these amendments.

In the interest of efficient prosecution and prompt allowance, an additional interview is invited. The undersigned can ordinarily be reached at his office at (650) 712-0340 from 8:30 to 5:30 PST, Monday through Friday, and can be reached at his cell phone (415) 902-6112 most other times.

Respectfully submitted,


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Dated: 21 March 2005

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